

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

BrandPartners Retail, Inc.

v.

Civil No. 09-cv-371-LM

D. Christopher Howe, and
Frank Beardsworth

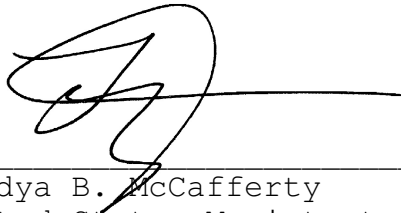
O R D E R

Plaintiff BrandPartners Retail, Inc. ("BrandPartners") commenced legal proceedings against each defendant separately in state court, alleging theft of trade secrets, unfair competition, breach of fiduciary duties, fraud, and related common law and statutory duties, and seeking both preliminary and permanent injunctive relief. Both defendants independently removed the actions to this court, and the matter was consolidated by court order on December 30, 2009. Document no. 15. Defendant D. Christopher Howe ("Howe") asserted a counterclaim alleging wrongful termination, which BrandPartners moved to dismiss. Document no. 10. BrandPartners reached a settlement with Howe on March 15, 2010, and filed a Stipulation of Dismissal as to all claims and counterclaims between them on April 2, 2010. Document

nos. 26 & 28. Accordingly, BrandPartners' motion to dismiss (document no. 10) is denied as moot.

The case continues with respect to all claims and counterclaims between BrandPartners and defendant Frank Beardsworth. The Discovery Plan proposed by the parties and approved by the court (document no. 13) remains in effect in all respects except that Howe is no longer a party to the case.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya B. McCafferty
United States Magistrate Judge

Date: June 21, 2010

cc: Gordon J. MacDonald, Esq.
Brendan F. Sullivan, Esq.
David A. Anderson, Esq.
Donald L. Smith, Esq.